

REGULAR MEETING AGENDA

Wednesday, November 13, 2013 7:45 P.M.
Public Meeting Room 206
Darien Town Hall, 2 Renshaw Road
Darien, Connecticut

OPENING

Requests to the ZBA involve important legal property rights. The proposal may expand one owner's limitations and reduce another's protections as defined within the Zoning Regulations. Therefore, any information considered must be clearly provided and all hearing comments are recorded. **Please speak only into the microphones near the podium. In order to avoid unnecessary distractions, please silence all electronic/communication devices and avoid side conversations** within the meeting room and hallway near the door.

This appears to be a heavy agenda which the ZBA will make every reasonable effort to complete. However, complications may arise and it may be difficult to properly consider all of the requests tonight. You can be helpful by making your presentation efficiently. Due to necessary scheduling of ZBA members, and possible involvement with other Board/Commission review, the following items may be considered out of sequence. Application requests may be heard and then deliberated one by one rather than all the deliberations occurring at the end of the meeting. Please understand that one or more hearing items may need to be opened and continued to a subsequent meeting and some hearings may be completed tonight but ZBA deliberation of the requests may be postponed to a later date. After the hearing of the project you are interested in is concluded, you may choose to make subsequent inquiries about a possible decision to ZBA office staff at 203-656-7351 during regular business hours.

PUBLIC HEARINGS

CALENDAR NO. 63-2013

The application of James Cain and CMI doing business as Dunkin' Donuts, submitted on September 20, 2013 for an amendment to the approved plans and stipulations of Calendar

No. 20-1995; to allow the previously replaced window awnings to remain. The property is situated on the northwest side of Boston Post Road approximately 50 feet west of the intersection with Corbin Drive and is shown on Assessor's Map #73 as Lot #31, being 967 Boston Post Road and located in the CBD (commercial) Zone.

CALENDAR NO. 56-2013

The application of William I. Haslun, II, Esq., and Ivey, Barnum & O'Mara, LLC on behalf of PR Partnership, LLC doing business as Giovanni's - Water's Edge submitted on August 14, 2013 for variances of Sections 381-387, 406, 904 and 927 of the Darien Zoning Regulations; to allow the construction of a one and one half story entry canopy addition, modification of the front dropoff, parking, and landscape areas, and the installation of signage; Sections 381-387: enlargement of a non-conforming building and intensification of a non-conforming use; Section 406: 8.9 in lieu of 30.0 feet minimum required front yard setback and 21.2 in lieu of 20.0% maximum allowable coverage; Section 904: expansion of gross floor area with a possible reduction from the approximately 33 valid parking spaces on a property with deficient existing parking quantity; and Section 927: installation of commercial use ground signage in a residential zone. The property is situated on the south side of the Boston Post Road opposite the intersection of Brookside Drive and is shown on Assessor's Map #54 as Lot #35, being 2748 Boston Post Road and located in an R-1/3 (residential) Zone.

CALENDAR NO. 59-2013

The application of Stephen K. Jones on behalf of Jodie R. Ruddy, submitted on September 18, 2013 for a variance of Section 406 and an interpretation of Section 210 of the Darien Zoning Regulations; to allow the construction of second and attic story additions with a gambrel roof break; Section 406: 12.4 in lieu of 40.0 feet minimum required front yard setback; and Section 210: an interpretation that the roof break feature does not create an eave drip line relative to the maximum height calculation. The property is situated on the south side of Old Kings Highway South at the southeast corner formed by the intersection with Andrews Drive and is shown on Assessor's Map #64 as Lot #108, being 63 Old Kings Highway South and located in an R-1/2 (residential) Zone.

CALENDAR NO. 64-2013

The application of Amy Zabetakis, Esq. and Rucci Law Group, LLC on behalf of Lauren Wetmore submitted on October 8, 2013 for an interpretation of Section 385 and a variance of Section 334 of the Darien Zoning Regulations; to allow the construction of a replacement two and one-half story dwelling; Section 385: a determination that the subject lot is a legal nonconforming building lot with less than 80.0 feet minimum required lot width and can be properly developed with adequate related site improvements; and Section 334:

construction on a portion of the building lot with 48.0 in lieu of 80.0 feet minimum required lot width. The property is situated on the south side of West Avenue approximately 250 feet west of the intersection with Stony Brook Road and is shown on Assessor's Map #39 as Lot #89, being 109 West Avenue and located in an R-1/3 (residential) Zone.

CALENDAR NO. 65-2013

The application of William & Abigail Hausberg submitted on October 15, 2013 for a variance of Section 406 of the Darien Zoning Regulations; to allow the installation of three propane tanks; Section 406: 13.9 in lieu of 25.0 feet minimum required rear yard setback. The property is situated on the east side of Rebel Lane approximately 150 feet north of the intersection with Cedar Gate Road, and is shown on Assessor's Map #64 as Lot #53, being 8 Rebel Lane and located in an R-1/2 (residential) Zone.

CALENDAR NO. 66-2013

The application of Michael & Andrea McGee submitted on October 16, 2013 for an amendment to the approved plans of Calendar No. 55-2008; to allow the previously constructed attic living space to remain. The property is situated on the south side of West Avenue approximately 75 feet west of the intersection with Stony Brook Road and is shown on Assessor's Map #39 as Lot #86, being 103 West Avenue and located in an R-1/3 (residential) Zone.

DELIBERATIONS AND DECISIONS

Discussion, deliberation and possible decisions for Public Hearing request items listed above. Four affirmative votes out of the five seated ZBA members are required to approve a proposal. Decisions are made after the ZBA members review the public hearing comments, submitted plans and other application materials, and carefully consider possible stipulations to ensure the best possible project fit among the neighboring properties. If complications develop ZBA deliberation of the requests may be postponed or continued to a later meeting date.

OTHER BUSINESS

This portion of the meeting is not a Public Hearing. Applicants and other interested parties are welcome to quietly observe the ZBA and staff fulfilling their regulatory responsibilities for the overall benefit of the community. Any expression from the audience is inappropriate and constitutes grounds for tabling the matter referred to or denying it without prejudice.

1. Requested amendment to the approved plans of Calendar No. 44 – 2013, 205 Post Road Development Partners, 205 Boston Post Road.
 2. . 44-2013
3. Approval of Minutes of meeting on September 18, 2013. ZBA members attending this meeting were Vic Capellupo, Gary Greene, Jeff Williams, Ruth Anne Ramsey, John Ashburne, and Rich Wood.
4. Approval of Minutes of meeting on October 16, 2013. ZBA members attending this meeting were Chuck Deluca, Vic Capellupo, Gary Greene, Ruth Anne Ramsey, and Rich Wood.
5. Approval of Minutes of meeting on October 23, 2013. ZBA members attending this meeting were Jeff Williams, Vic Capellupo, Gary Greene, Ruth Anne Ramsey, and Rich Wood.
6. General discussion of Application Materials, applicant identity, application review procedures, hearing guidelines, hardship criteria, decision practices/guidelines/ staff questions, project fit relative to neighbor properties, supervision/inspection of construction projects, and/or requested changes.
7. Any other business (a minimum 2/3, 67%, i.e. 3/4, 4/5, or 4/6, favorable vote of members present and voting is required to add an item to the agenda).